

Reinstatement Privileges

Answers to Frequently Asked Questions

What are reinstatement privileges?

Reinstatement privileges allow you to be placed in a position within your former classification, or in a position of like status and pay, up to the highest pay grade in which you achieved merit status. Reinstatement is a privilege, not a right. Therefore, reinstatement occurs only at the option of the appointing authority of the appointing agency. KRS 18A.005(34).

How are reinstatement privileges acquired?

You acquire reinstatement privileges when you resign in good standing from a merit position in which you attained status. However, you do not acquire reinstatement privileges if you retire, resign with prejudice, or are dismissed for cause from your position in the classified or unclassified service. [KRS 18A.005\(34\)](#).

What are the general requirements for reinstatement?

You must meet the current minimum requirements for the job classification to which you wish to be reinstated. Further, you must have held status at the grade level for the classification or higher.

How can I take advantage of these privileges?

You must be proactive and contact the appointing agency to make them aware of your desire to be considered for reinstatement. Reinstatement actions are not register actions. However, competitive candidates from a register can be reinstated. Therefore, you should always continue to apply for positions as a competitive candidate as well.

Is an appointing agency required to reinstate me or give me preference in the appointment process?

No. As stated above, reinstatement occurs at the option of the appointing authority. As a result, you are not entitled to any preference in the appointment process. [KRS 18A.005\(34\)](#). When an agency wishes to utilize reinstatement as the means to fill a position, the agency initiates a reinstatement certificate and forwards it to the Personnel Cabinet. The Personnel Cabinet will complete the reinstatement certificate and notify the requesting agency once it is approved.

Is an appointing agency required to reinstate me with the salary I earned in my last merit position?

No. Decisions regarding salary are made at the option of the appointing authority. As a result, you are not necessarily entitled to the salary you earned when you resigned from your previous merit position. [KRS 18A.005\(34\)](#) and [101 KAR 2:034 Section 2](#)

How long do reinstatement privileges last?

Reinstatement privileges are available from the time of your resignation in good standing with a KRS Chapter 18A agency until such time as you reinstate employment with a KRS Chapter 18A state agency. Once the personnel action is processed that reinstates you to state service, your reinstatement privileges lapse and may not be utilized as a basis for future personnel actions. If you are reinstated after a twelve (12) month break in service, you will serve a probationary period, and you will not be eligible for reinstatement privileges again unless you attain merit status in another position. This means that if you are reinstated to a merit position and resign before completion of your probationary period, then you will not have reinstatement privileges going forward. Also, reinstatement privileges will not apply if you are separated at any time from your position in bad standing.

Will I have to serve an initial probationary period if I am reinstated?

You will not have to serve an initial probationary period if you are reinstated within twelve (12) months after your resignation in good standing. You will have to serve an initial probationary period if you are reinstated later than twelve (12) months after your resignation. [101 KAR 1:325 Section 3](#)

What happens to the sick leave that I accrued before I resigned in good standing?

If you are reinstated, you shall be credited with any unused sick leave that accrued prior to your resignation. [101 KAR 2:102 Section 2\(1\)\(g\)](#).